

ALSTON & BIRD

90 Park Avenue
New York, NY 10016
212-210-9400 | Fax: 212-210-9444

Steven L. Penaro

Direct Dial: 212-210-9460

Email: steve.penaro@alston.com

June 3, 2024

VIA ECF

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007

MEMO ENDORSED

Re: *Johnson v. Clearview AI, Inc., et al.*, Civil Action No. 1:23-cv-02441-KPF

Dear Judge Failla:

We represent Plaintiff Charles Johnson ("Plaintiff") in the above referenced matter. Pursuant to the Court's Order, dated May 20, 2024 (Dkt. No. 40), at this juncture, Plaintiff does not intend to file a Second Amended Complaint in which Count Three is repleaded.

We appreciate the Court's attention to this matter.

Respectfully Submitted,



Steven L. Penaro

cc: Counsel of Record (via ECF)

The Court is in receipt of Plaintiff's above letter indicating that he does not intend to file a Second Amended Complaint in which Count Three is repleaded pursuant to the Court's May 20, 2024 Order (Dkt. #40).

The Court hereby ORDERS Defendants to file an answer to Plaintiff's Amended Complaint on or before **June 21, 2024**. The Court further ORDERS the parties to meet and confer and submit a proposed case management plan and scheduling order (a fillable version of which can be found at <https://www.nysd.uscourts.gov/hon-katherine-polk-failla>) on or before **June 28, 2024**.

Further, Plaintiff's request for an extension of time to submit his letter advising the Court as to whether he intends to file a Second Amended Complaint (Dkt. #41) is hereby DENIED as moot.

The Clerk of Court is directed to terminate the pending motion at docket entry 41.

Dated: June 4, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE